

Are You Ready?

Understanding the US Army Corps of Engineers Contracting Procedures...

Presented by:

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Specialist

US Army Corps of Engineers

Pittsburgh District

20 May 2016



US Army Corps of Engineers
BUILDING STRONG



AGENDA

- How we get the word out
- The anatomy of our solicitations
- Digging in the dirt – the nitty gritty of it all
- What happens after bid opening
- What happens after contract award
- Expectations during performance



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Publicizing Contract Actions

- FedBizOpps is the Government-wide Point of Entry (GPE) for information on all procurements exceeding \$25k

www.fbo.gov

- FBO Keyword search for Pittsburgh COE is “W911WN”



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Pre-Solicitation Notice

- Purpose

- ▶ “Improve small business access to acquisition information and enhance competition by identifying contracting and subcontracting opportunities.” FAR 5.201(c)



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Pre-Solicitation Notice

- All actions >\$25k require presolicitation notice. FAR 5.201
 - ▶ Exceptions at FAR 5.202...



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Pre-Solicitation Notice

- Pre-solicitation Notice must be published at least 15 days before solicitation issuance.



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Pre-Solicitation Notice

■ Content

- ▶ Contracting Office Name and Address
- ▶ Contact Point or Contracting Officer
- ▶ North American Industry Classification System Code (NAICS)
- ▶ Proposed Solicitation Number
- ▶ Closing Response Date
- ▶ Set-aside Status
- ▶ Description of Requirement
- ▶ Place of Contract Performance
- ▶ Magnitude of Construction (no magnitude given for service or supply acquisitions)

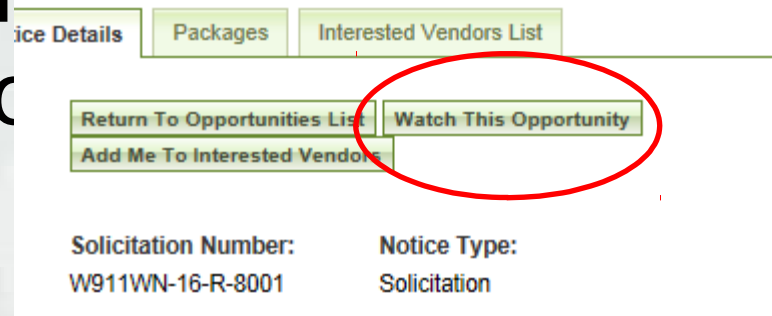
**This is the beginning of
a bid/no bid decision...
do we? Or don't we?**



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Solicitation

- If a pre-solicitation notice was issued on FBO, the written solicitation will be issued under the same announcement.
- “Watch” the opportunity in FBO to get notified automatically when the solicitation



The screenshot shows a web interface with three tabs: 'Notice Details', 'Packages', and 'Interested Vendors List'. The 'Interested Vendors List' tab is active. Below the tabs, there are three buttons: 'Return To Opportunities List', 'Watch This Opportunity' (circled in red), and 'Add Me To Interested Vendors'. At the bottom, the 'Solicitation Number' is W911WN-16-R-8001 and the 'Notice Type' is Solicitation.



Solicitation



- Forms:

- ▶ <\$150k = Standard Form (SF) 18
- ▶ >\$150k = Standard Form (SF) 1442

Construction Specifications Institute (CSI) Master Format

00010	Solicitation Contract Form
00100	Bidding Schedule/Instructions to Bidders
00600	Representations & Certifications
00700	Contract Clauses
00800	Special Contract Requirements

Now let's go through a sample solicitation

Please refer to your handout

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OTHER CONSIDERATIONS

- Other areas to consider when putting together your bid -
 - ▶ Specification Requirements
 - ▶ Call-outs in Scope/Drawings



These additional areas need consideration when -

- ✓ making your bid-no bid decision
- ✓ pricing your bid
- ✓ to gain a full understanding of expectations



Let's look at your handout for a sample of a
Scope of Work and talk about its anatomy



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Understanding Specifications


Measurement and Payment:

- Covers measurement and payment of items applicable to the performance of the work in the contract
- Payment items listed in bidding schedule
- Lists the payment item, unit of measure
- Items listed constitutes full compensation for furnishing all plant, labor, materials and equipment, performing QC, environmental protection, safety, tests and reports, and performing all

work required

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01 35 00.00 08	SPECIAL PROCEDURES
01 35 26	GOVERNMENTAL SAFETY REQUIREMENTS
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01 50 10	PROJECT SIGN
01 57 20.00 10	ENVIRONMENTAL PROTECTION
01 57 23.00 08	STORM WATER POLLUTION CONTROL
01 78 02.00 15	CLOSEOUT SUBMITTALS (AS-BUILT DRAWINGS)

DIVISION 02 - EXISTING CONDITIONS

02 32 00	SUBSURFACE DRILLING, SAMPLING, AND TESTING
02 41 00	DEMOLITION
02 42 00	DISPOSAL OF MATERIALS

DIVISION 05 - METALS

05 52 00	METAL RAILINGS
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DIVISION 31 - EARTHWORK

31 00 00	EARTHWORK
31 05 19	GEOTEXTILE
31 11 00	CLEARING AND GRUBBING

DIVISION 32 - EXTERIOR IMPROVEMENTS

32 11 23	AGGREGATE BASES
32 17 23.00 20	PAVEMENT MARKINGS
32 22 16	BITUMINOUS PAVEMENT CONSTRUCTION
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32 32 23	SEGMENTAL CONCRETE BLOCK RETAINING WALL
32 92 19	SEEDING

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Understanding Specifications

Submittal Procedures:

- Describes types of submittals
- How to prepare submittals
- Submitting variations
- Requirements of the Submittal Register
- Scheduling submittals
- Approving authority and timeline
- Disapproved/rejected submittals and resubmittals
- ~~Withholding of payment for non approved materials~~



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Understanding Specifications

Special Procedures:

- Specific to project
- May include:
 - Required submittals
 - Access and work areas
 - Hours of operations
 - Sequence of work
 - Work under other contracts
 - Utilities
 - Damage to work
 - Limitations or restrictions
- Security requirements



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Understanding Specifications

Governmental Safety Requirements:

- Describes safety requirements and procedures for the project
- Lists qualifications for SSHO and duties; states whether SSHO may be dual-hatted as QC
- Minimum requirements for APP, AHA, and additional safety plans
- Safety Mutual Understanding Mtg
- PPE requirements
- Accident reporting
- Monthly exposure reports

Site specific safety

requirements (hazardous material, lockout/tagout, LHE, choring, fall protection)

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Understanding Specifications

Quality Control:

- Describes QC requirements and procedures for the project
- Minimum requirements for QC plan
- QC Mutual Understanding Mtg
- Lists qualifications for CQC personnel; states whether CQC may be dual-hatted as SSHO
- Specialized QC personnel and training
- Procedures for 3 phase inspections (prep, initial, follow-up)
- Testing procedures; approved labs

Completion Inspection (punch-out, pre-final, final)

- Documentation (daily QC

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Understanding Specifications

Quality Control System:

- Describes the requirements and procedures for the contractor to use QCS
- Lists system requirements, and website for downloading QCS and users manual
- Describes required info entered into QCS for:
 - Administration
 - Finances
 - Quality Control
 - Submittal Monitoring
 - Scheduling
 - Import/Export of data



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Understanding Specifications

Environmental Protection:

- Describes the requirements for the contractor to implement environmental protection
- Minimum requirements for EPP and additional plans, i.e. Spill control, solid waste disposal, waste minimization, E&S, air pollution control, contaminant prevention, wastewater management, and historical, archaeological, & cultural resources plans
- Project specific environmental considerations, i.e work limits, landscape, water resources, waste disposal
- Training of personnel

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Understanding Specifications

Close-Out Submittals:

- Describes the requirements and procedures for As-Built drawings
- As-builts are construction contract drawing revised to reflect the final as-built conditions of the project because of modifications, changes, corrections to the project design required during construction
- Maintenance and review of As-Builts throughout execution of the project
- Mark-up Guidelines
- Preliminary (working) As-Built
- Final As-Built



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Understanding Specifications

Project Specific Specifications:

- Provides details on specific work required by the contract
- Lists various required submittals
- Product requirements
- Execution of work

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Bid Opening

- Location for bid submittal specified in solicitation.
- If hand-delivered, bid must be physically dropped into bid box before bid opening time.



- DO **NOT** SUBMIT BIDS IN RESPONSE TO AN IFB ELECTRONICALLY



Bid Opening

- Each sealed bid will be opened publicly
- An announcement for each bid is made containing the following information:
 - ▶ Bidder's Name
 - ▶ Bidder's Address
 - ▶ Total Bid Price
- Apparent low bidder will be announced at public bid opening.
- No questions will be entertained.



**IMPORTANT
ANNOUNCEMENT!**



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Bid Opening

- Bid abstract will be posted to FBO before close of business on the same day of bid opening.
- **NO** debriefings to Bidders

SO, WHAT HAPPENS NEXT?



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Bid Responsiveness

- For each bid received, the following will be checked:

- ✓ SAM Registration
- ✓ Reps & Certs
- ✓ Business Size
- ✓ Active Exclusions
- ✓ Acknowledgement of amendments
- ✓ Bid Signed
- ✓ Bid Bonds
- ✓ Pricing mistakes or other informalities
- ✓ Unbalanced Pricing



CHECKLIST

?	_____
?	_____
?	_____
?	_____
?	_____



Minor Informalities/Irregularities

FAR 14.405

- Matter of form, not substance
- Can be corrected or waived without being prejudicial

- ✓ Number of copies of signed bids required
- ✓ Signed bid – only if bid is accompanied by other material indicating bidder's intent to be bound by unsigned bid (i.e. bid guarantee)
- ✓ Acknowledgement of amendments – only if bid clearly indicates receipt of amendment or amendment has no effect on price, quantity, quality, or delivery.



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Mistakes in Bid 14.407-1

- Bid verification request from Contracting Officer

Considerations:

- Wage Rates
- Adequate Staffing
- Proper Equipment (Rent or Buy)
- Proper Facilities
- Unique Site Conditions
- Prime on Site
- Subcontracting Costs
- Insurance Costs



Apparent Clerical Mistakes

FAR 14.407-2

- Apparent on face of bid
 - Misplaced decimal point
 - Obvious incorrect discounts
 - Obvious mistake in designation of unit

- Bid will be verified and can be corrected



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Other Mistakes

FAR 14.407-3

- Any alleged mistakes that are not apparent clerical mistakes after bid opening



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Bid Correction

- If a bidder requests permission to correct a mistake:
 - Must provide clear and convincing evidence establishing both –
 - the existence of the mistake, and
 - the bid actually intended
- Agency Head may permit correction if it would not displace one or more lower bids



Withdrawal



- Agency Head may determine withdrawal not permitted, but correction allowed, if a bidder requests permission to withdraw rather than correct –
 - Evidence is clear and convincing both as to the existence of a mistake and as to the bid actually intended; and
 - The bid, both as uncorrected and corrected, is the lowest bid received



Withdraw

- An official above the Contracting Officer may make a determination permitting the bidder to withdraw the bid:
 - If evidence of a mistake is clear and convincing only as to the mistake but not as to the intended bid, or
 - evidence reasonably supports the existence of a mistake but is not clear and convincing



Withdraw

- Agency Head may determine that the bid be neither withdrawn nor corrected
 - If evidence is not clear and convincing as to the mistake and as to the bid actually intended



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Pre-Award Survey

- Past Performance (Past Performance Information Retrieval System-PPIRS)
- Apparent low bidder will be requested to provide:
 - Financial ability to perform the contract
 - Business & financial reputation and integrity
 - Experience
 - Business on hand (description & dollar amount)
 - Equipment & facilities
 - Key Personnel



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Successful Bidder Determined

Congratulations!

YOU GOT THE
CONTRACT!!!
WHAT'S NEXT??



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Contract Award

- Contract prepared and successful bidder letter sent with contract



- Unsuccessful bidder letters sent



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Contract Award

- Successful bidder requested to submit Performance and Payment Bonds within 10 days after Notice of Award.

10

- Notice to Proceed (NTP) issued once acceptable Performance and Payment Bonds received & approved.

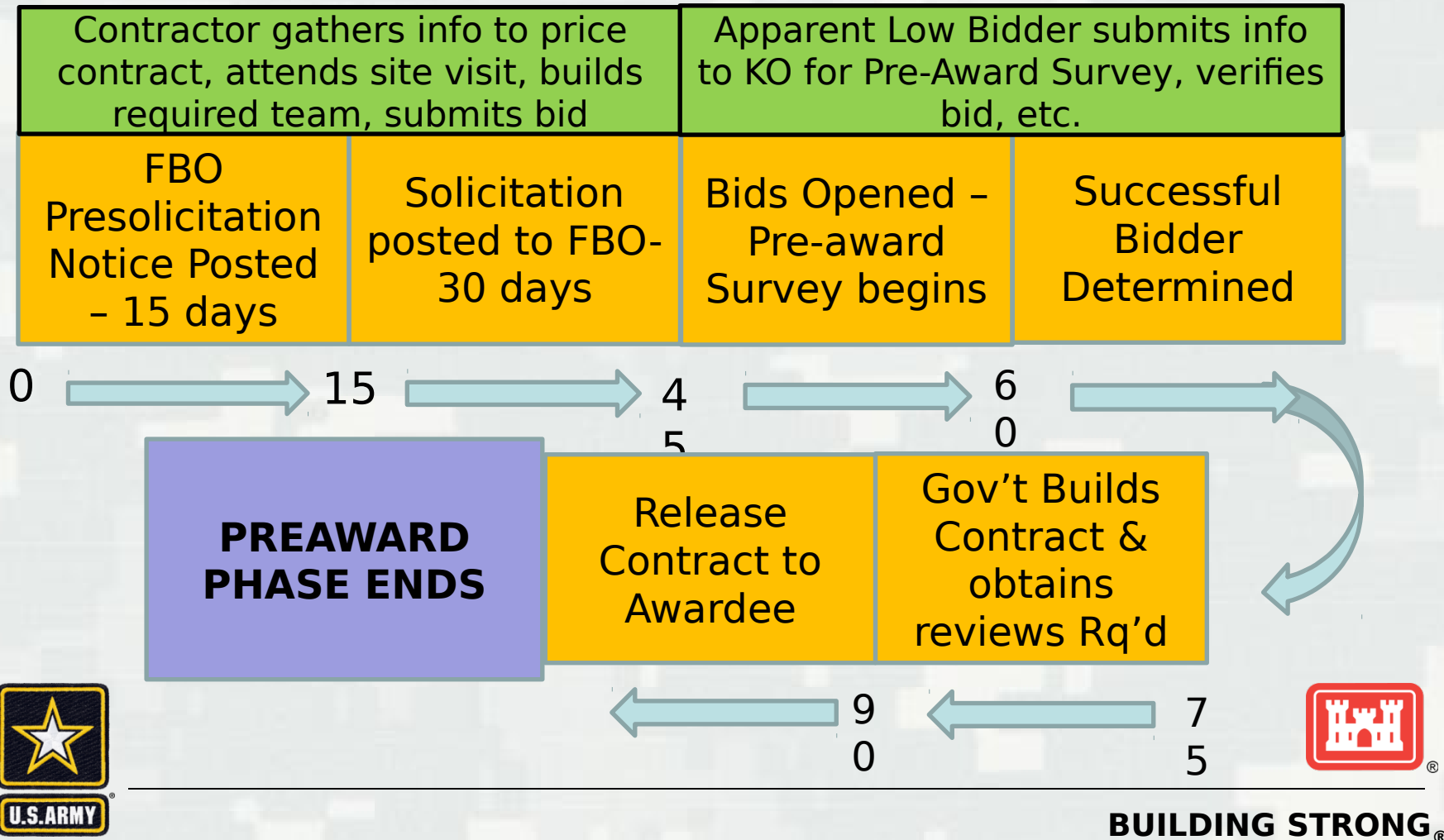


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TIMELINE – PREAWARD – Invitations for Bid

Orange = Government Activities

Green = Contractor Activities



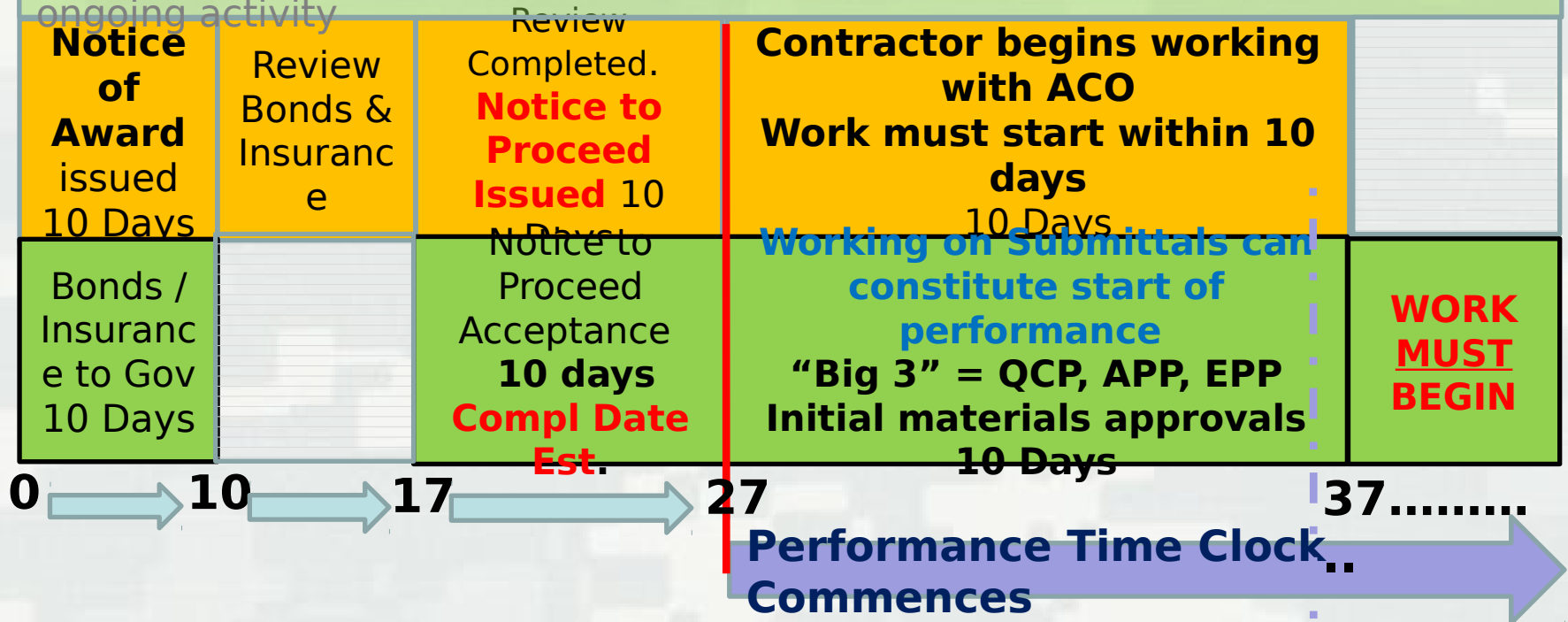
TIMELINE – POST AWARD

Orange = Government Activities

Green = Contractor Activities

POST AWARD PHASE BEGINS - starts with Notice of Award

Contractor gathers submittals throughout performance as reqd by SOW... ongoing activity



LARGE contracts:
Precon is held -
w/in 1st 2 wks of
NTP



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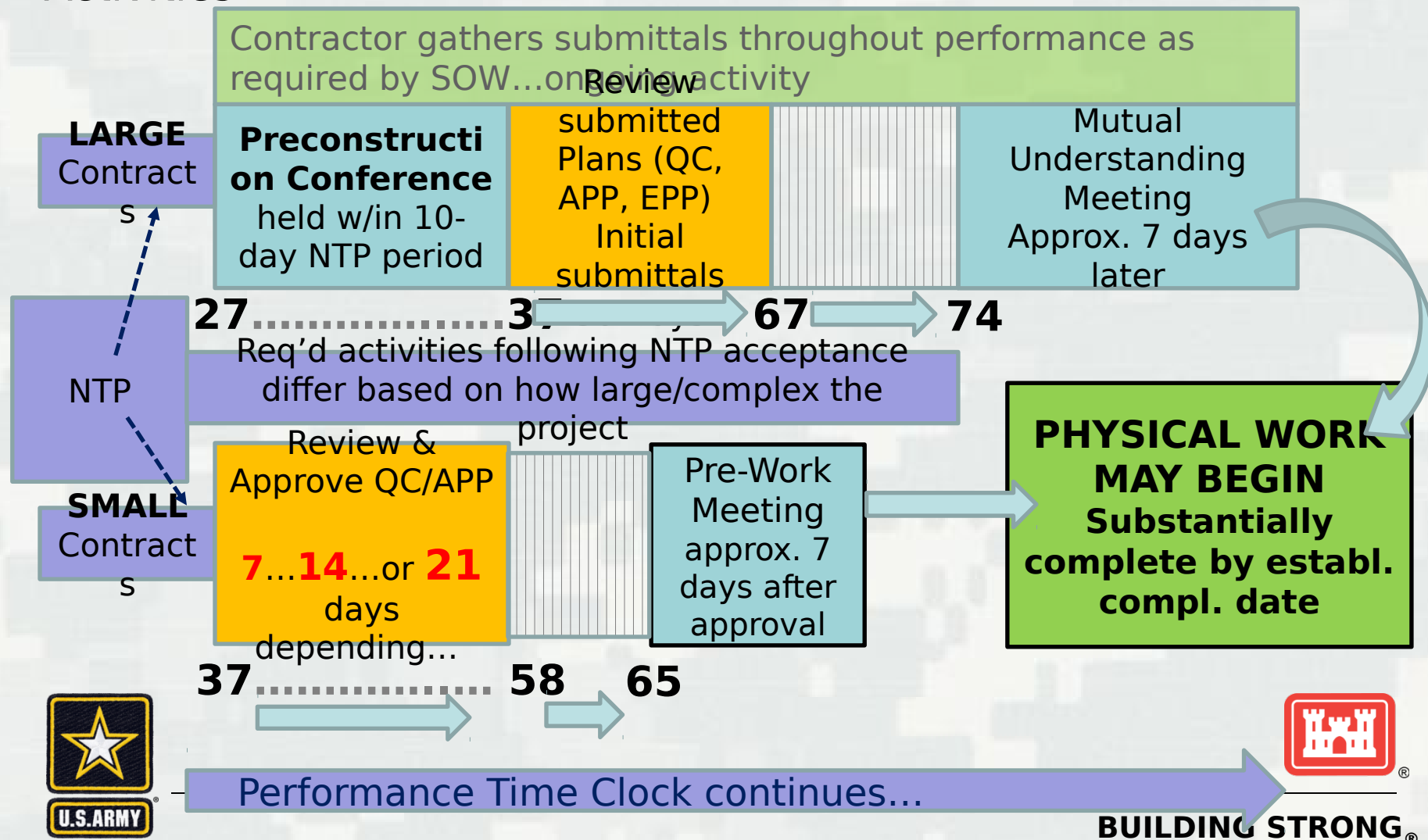
TIMELINE – Pre Performance Activities

Orange = Government Activities

Green = Contractor Activities

Activities

Blue = Gov/Contr Mutual Activities



TIMELINE – Performance Activities

Orange = Government Activities

Green = Contractor Activities

Blue = Gov/Contr Mutual Activities

Activities

Contractor gathers submittals throughout performance as required by SOW. Ongoing activity from beginning to end...



Performance Time Clock continues...

Completion **no later than** established completion date from NTP

Substantial Completion Date Established
CLOCK STOPS TICKING



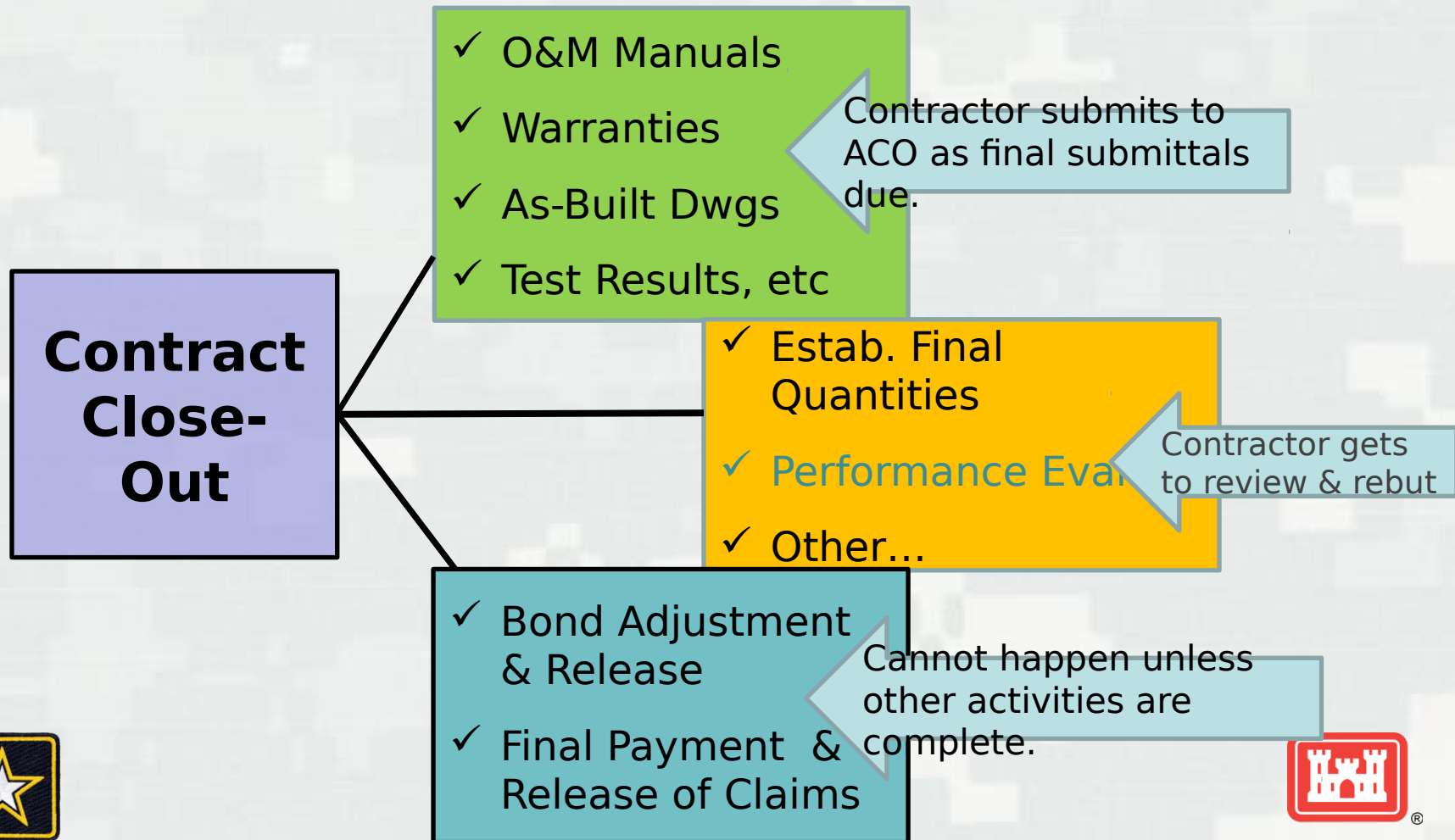
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Final Completion Activities

Orange = Government Activities

Green = Contractor Activities
Activities

Blue = Gov/Contr Mutual



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Here's What We Covered

- How we get the word out
- The anatomy of our solicitations
- Digging in the dirt – the nitty gritty of it all
- What happens after bid opening
- What happens after contract award
- Expectations during performance



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Questions?

US Army Corps of Engineers

Pittsburgh District
2016

20 May



US Army Corps of Engineers
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